

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 27, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MADDESYN DANIELLE GEORGE,
a/k/a Martha Ruthless,

Defendant.

NO: 2:20-CR-153-RMP-1

ORDER SETTING SENTENCING
SCHEDULE

On July 27, 2021, Defendant Maddesyn Danielle George, who is in custody of the U.S. Marshal, appeared before the Court represented by Stephen T. Graham. Assistant United States Attorney Richard R. Barker appeared for the Government. Defendant entered pleas of guilty to Counts 3 and 4 of the Superseding Indictment, ECF No. 32, filed on January 5, 2021, charging Defendant with Count 3: Possession with Intent to Distribute 5 Grams or More of Actual (Pure) Methamphetamine in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii), and Count 4: Voluntary Manslaughter in Indian Country in violation of 18 U.S.C. §§ 1112, 1153, which is, by law, a lesser-included offense of the offense charged in Count 4 of the

ORDER SETTING SENTENCING SCHEDULE ~ 1

1 Superseding Indictment, Second Degree Murder in Indian Country, in violation of
2 18 U.S.C. §§ 1111, 1153.

3 Having heard from counsel and Defendant and having accepted Defendant's
4 pleas of guilty, **IT IS HEREBY ORDERED:**

5 1. Defendant shall be sentenced on **October 20, 2021**, at **10:00 a.m.** in
6 **Spokane**, Washington. Absent truly exigent circumstances, the Court will not
7 consider a request for a continuance of sentencing unless: (1) the request is made by
8 written motion, (2) the requesting party recites the opposing party's position, *see*
9 LCivR 7(b)(2), and (3) the motion and supporting declaration are filed at least ten
10 days before the scheduled sentencing hearing.

11 2. Defendant shall remain in custody of the U.S. Marshal pending
12 sentencing pursuant to the detention order previously entered in this matter. *See*
13 ECF No. 6.

14 3. The United States Probation Office shall prepare a Presentence Report.
15 Fed. R. Crim. P. 32(c). On or before **September 8, 2021**, the probation officer shall
16 provide a preliminary copy of the draft Presentence Report to counsel for the parties.
17 Disclosure of the Presentence Report shall be subject to the limitations imposed by
18 Rule 32(c)(3).

19 4. On or before **September 22, 2021**, the parties shall file and serve the
20 following: (a) any objection to the preliminary Presentence Report; (b) any motion
21 for departure (other than one made pursuant to Rule 35(b)); (c) a list of those

1 witnesses who will be called to testify about a matter on which the party bears the
2 burden of persuasion at sentencing, together with a summary of each witness's
3 anticipated testimony; and (d) copies of any exhibits which will be offered at
4 sentencing. A party failing to list a witness or to provide a copy of an exhibit by the
5 deadline set forth above may be precluded from presenting the witness or exhibit at
6 the sentencing hearing.

7 5. Both objections and motions for departure shall be supported by
8 memorandum.

9 6. On or before **September 29, 2021**, the opposing party shall file and serve
10 its response, and the opposing party shall identify any responsive witnesses or
11 exhibits.

12 7. If an objection is filed, the probation officer shall conduct such additional
13 investigation as is necessary to assess the merits of the objection.

14 8. If it is determined that Defendant may qualify for the safety valve
15 (5C1.2), the parties must schedule a meeting to conduct a safety valve interview to
16 determine if Defendant has met the requirements of U.S.S.G. § 5C1.2(a)(5) **no later**
17 **than October 6, 2021**. After conducting a safety valve interview, counsel may
18 request a continuance of the sentencing hearing only if the ends of justice so require.
19 The requesting party must file a motion to continue the sentencing date, LCivR 7,
20 and shall also identify witnesses to be called with a summary of each witness's
21

1 testimony. The motion will also include an estimate of time needed to complete the
2 hearing.

3 9. The probation officer shall submit the final Presentence Report to the
4 Court by **October 6, 2021**. The report shall be accompanied by an addendum
5 setting forth any objections counsel may have made, including those that have not
6 been resolved, together with the officer's comments and recommendations. The
7 Probation Officer shall certify that the contents of the report, other than sentencing
8 recommendations, including any revisions or addenda, have been disclosed to
9 counsel for Defendant and the Government, and that the addendum fairly states any
10 remaining objections.

11 10. Except with regard to any written objection made under 4(a), the report
12 of the presentence investigation and computations shall be accepted by the Court as
13 accurate. Upon a timely objection by Defendant, the Government bears the burden
14 of proof on any fact that is necessary to establish the base offense level. The Court,
15 may, for good cause shown, allow a new objection to be raised at any time before
16 the imposition of sentence. In resolving disputed issues of fact, the Court may
17 consider any reliable information presented by the Probation Officer, Defendant, or
18 the Government.

19 11. On or before **October 13, 2021**, both parties shall file and serve their
20 sentencing memoranda.

21 12. All pleadings shall be filed and served as provided by local rules.

